

NO. PD-0736-17

JOHN KENNETH LEE

VS.

STATE OF TEXAS

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IN THE COURT OF CRIMINAL APPEALS
CRIMINAL APPEALS
OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
2/13/2018
DEANA WILLIAMSON, CLERK

**SECOND MOTION TO EXTEND TIME TO
FILE APPELLANT'S BRIEF ON THE MERITS**

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes John Kenneth Lee, Appellant in the above styled and numbered cause, and moves for an second extension of time of fourteen (14) days to file appellant's brief and for good cause shows the following:

1. On June 15, 2017, the Court of Appeals reversed appellant's conviction. *John Kenneth Lee v. State*, 13-15-00514-CR.

2. On July 12, 2017, the State filed a petition for discretionary review in this Court, which was granted on November 15, 2017.

3. On December 12, 2017, the State's brief on the merits was filed. Appellant's brief on the merits was due on January 11, 2018. On December 21, 2017, Movant filed a letter of representation informing the Court that he had recently been appointed represent Appellant in this matter.

4. Appellant requested an extension of time to file Appellant's brief of thirty (30) days to February 10, 2018. Appellant's motion was granted and time was extended to Monday, February 12, 2018.

5. This request is for good cause and not for purposes of delay because:
 - a. Movant was in jury trial the week of January 29, 2018, in a case styled *State v. Kevin Daniel Cerrillo*, cause no. 17-05-29992-A, in the 24th District Court of Victoria County, Texas.
 - b. Following the conclusion of this trial, Movant was occupied with the preparation for trial of three felony cases involving habitual offenders, which were anticipated to go to jury trial the week of February 12, 2018:
 - i. The first two cases, both styled *State v. Justin Paul Reid*, cause nos. 17-05-29983-A & 17-08-30151-A, in the 24th District Court of Victoria County, Texas, unanticipatedly pled out after announcing ready for trial on February 7, 2018, where it was set for trial announcements.
 - ii. The third case, styled *State v. Jesus Tovar, Jr.*, cause no. 17-10-30244-A, in the 24th Judicial District of Victoria County, Texas, unexpectedly pled out during the middle of trial announcements on February 7, 2018, after it became clear that Movant would not be going to trial in the *Reid* matter and that the State would announce ready for trial for February 12, 2018, on the *Tovar* matter.
6. Defendant is currently on bond.

WHEREFORE, PREMISES CONSIDERED, appellant respectfully requests an extension of thirty (14) days, i.e. until February 26, 2018, to file Appellant's brief on the merits.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on January 26, 2018, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, Victoria County, 205 N. Bridge St., Ste. 301, Victoria, Texas 77901, by electronic delivery service.

/S/ Arnold K. Hayden, Jr.
Arnold K. Hayden, Jr.